THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NOs.15951, 15952, 15953 and 15954 OF 2006

DATED 04.09.2006

Between:

WP.No.15951/2006

Smt.Baireddy Gangamma. .. PETITIONER

versus

Government of Andhra Pradesh represented by the Secretary, Municipal Administrative Department, Secretariat, Hyderabad and another. .. RESPONDENTS

WP.No.15952/2006

Smt.Mamidi Venkata Laxmi .. PETITIONER

versus

Government of Andhra Pradesh represented by the Secretary, Municipal Administrative Department, Secretariat, Hyderabad and another. .. RESPONDENTS

WP.No.15953/2006

Addala Satyanarayana .. PETITIONER

versus

Government of Andhra Pradesh represented by the Secretary, Municipal Administrative Department, Secretariat, Hyderabad and another. .. RESPONDENTS

WP.No.15954/2006

Smt.Penkay Laxmi .. PETITIONER

versus

Government of Andhra Pradesh represented by the Secretary, Municipal Administrative Department, Secretariat, Hyderabad and another. .. RESPONDENTS

WRIT PETITION NOs.15951, 15952, 15953 and 15954 OF 2006

COMMON ORDER:

Heard Sri V.R.Machavaram, learned counsel representing the writ petitioners in all these Writ Petitions, learned Government Pleader for Municipal Administration representing the 1st respondent and Sri Polisetty Radhakrishna, learned Standing Counsel representing the 2nd respondent.

2. These Writ Petitions are filed praying for issuance of a Writ of Mandamus declaring the proposed action of the 2nd respondent to demolish the house numbers specified in the respective Writ Petitions of Khanamet, Serilingampally Municipality, Ranga Reddy District, without following the process of law as illegal, arbitrary and violation of principles of natural justice and consequently directing the respondents not to demolish the houses specified in the respective Writ Petitions and pass such other suitable orders.

3. Several factual details had been narrated in all these Writ Petitions and it is stated that these writ petitioners in the respective Writ Petitions purchased these properties from Saravath Megah and two others and it is stated that they have been in possession and enjoyment of the respective properties. Several other factual details had been narrated and it was also stated that one Lakshmi Kumari is claiming to be the owner of the said property and certain allegations in relation to Lakshmi Kumari also had been made in the affidavits filed in support of these Writ Petitions. It is needless to say that the said Lakshmi Kumari is not impleaded as a party to these Writ Petitions. Hence, this Court is not inclined to express any opinion relating to the

said aspect.

4. The main grievance of the respective writ petitioners in all these Writ Petitions is that without following the procedure, the 2nd respondent-Municipality is resorting to demolition activity.

5. Sri Polisetty Radhakrishna had taken notice and requested time to get instructions and today the learned Standing Counsel representing the 2nd respondent-Municipality had produced the records before this Court. The agreements of sale dated 18.12.2005, the sale deeds dated 16.6.1983, the Certificate of Encumbrance, dated 1.6.2006, Registration plan of vacant land of plot No.703, F.I.R., dated 4.6.2006, challan dated 23.12.1999, Rc.No.M4/502/2004, dated 10.3.2004, I.O.B. Challan dated 27.2.2001, Receipt dated 12.4.2001, Application, representation letter to Commissioner of Endowments dated 30.12.2003, order in IA.No.1097/2006 in OS.No.1371 of 2006 and counter affidavits in OS.No.1371 of 2006 had been placed before this Court. Apart from this material, the learned Standing Counsel also placed the relevant notices issued by the 2nd respondent-Municipality and the endorsements made thereon by the concerned writ petitioners who are said to have refused to receive such notices and submitted that those notices were affixed to the walls. This Court is not inclined to express any further opinion inasmuch as the 2nd respondent-Municipality is taking a specific stand by producing the relevant material before this Court that all attempts had been made by the 2nd respondent-Municipality to serve notices in accordance with law as specified in the provisions of A.P. Municipalities Act, 1965, and the respective writ petitioners inasmuch as, were not inclined to receive the same, the said notices were duly affixed to the respective walls. The same is hereby recorded.

6. However, it is needless to say that before proceeding with the

demolition activity, the 2nd respondent-Municipality has to follow the procedure specified under the provisions of A.P. Municipalities Act, 1965. No doubt, the 2nd respondent-Municipality had taken a stand that already the said procedure had been followed and in that regard the relevant material already had been placed before this Court, which was referred to supra.

7. In view of the respective stands taken by the parties, the Writ Petitions are disposed of giving liberty to the respondents to further proceed with in accordance with the provisions of A.P. Municipalities Act, 1965. There shall be no order as to costs.

04.09.2006

SSR